

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CYNTHIA L. JENKINS, on behalf of
herself and all others similarly situated,
ADA HOWARD, and SANDRA LOGUE,**

Plaintiffs,

VS.

**GENERAL COLLECTION CO.,
MARK D. STELK and
RICHARD E. GEE,**

Defendants.

8:06CV743

REPORT AND RECOMMENDATION

This matter is before the magistrate judge for a report and recommendation on plaintiffs' Amended Motion for Class Certification (Doc. 67). That motion has been fully briefed; however, the defendants subsequently filed a Motion for Summary Judgment (Doc. 103).

I have reviewed the parties' arguments and evidentiary submissions regarding the class certification issues, together with the arguments raised by defendants Stelk and GCC on summary judgment.¹ It appears that the district court's resolution of the statute of limitations issues raised in the Motion for Summary Judgment will be highly relevant on whether class certification is warranted in this case.

For these reasons,

¹Plaintiffs were given an extension of time to November 30, 2007 to respond to the Motion for Summary Judgment.

IT IS RECOMMENDED that plaintiffs' Amended Motion for Class Certification (Doc. 67) be denied without prejudice to reassertion² after the court rules on the Motion for Summary Judgment (Doc. 103) filed by defendants Stelk and General Collection Co.

Pursuant to NECivR 72.3, a party may object to this Report and Recommendation by filing an "Objection to Report and Recommendation" within ten (10) days after being served with the recommendation. The statement of objection shall specify those portions of the recommendation to which the party objects and the basis of the objection. The objecting party shall file contemporaneously with the statement of objection a brief setting forth the party's arguments that the magistrate judge's recommendation should be reviewed *de novo* and a different disposition made.

DATED November 9, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**

²If plaintiffs elect to reassert the existing motion for class certification, they may do so by selecting the "Notice (other)" option on CM/ECF containing the following docket text: "Notice of plaintiffs' reassertion of Amended Motion for Class Certification [67]." Upon receiving such notice, the court will reopen the motion and will decide the motion on the briefs and evidence submitted as of this date. In the alternative, the plaintiffs may renew the issue of class certification by filing a second amended motion for class certification incorporating any modifications made necessary by the court's ruling on the Motion for Summary Judgment.